



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,469	09/16/2003	Jan-Erik Ekberg	4208-4149	9618
27123	7590	05/02/2006		
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			EXAMINER BLOUNT, STEVEN	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/662,469

Applicant(s)

EKBERG ET AL.

Examiner

Steven Blount

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 - 62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 101***

A. Finality of the previous Office action is withdrawn in view of the new grounds of rejection below.

1. Claim 62 is rejected under 35 U.S.C. 101.

In claim 62, algorithmic steps in the form of a computer program are recited. This form is non-statutory.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 – 3, 6, 8 – 10, 13, 15, 18, 24 – 30, and 53 – 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6633757 to Hermann et al in view of U.S. patent 6532368 to Hild.

With regard to claim 1, Hermann teaches a device for operating in an ad-hoc wireless network comprising:

1) memory 16, wherein the memory stores a directory of all applications resident in the other communication devices present in the ad-hoc network (see col 7 lines 27+

2) processor 11

3) the processor configured to send inquiries to the ad-hoc network and receive responses concerning services available (col 7 line 33)

4) a list of identifiers concerning the services (col 11 lines 25+).

Hermann does not however teach the device to choose an application from the list and then examine a control parameter associated with the application.

Hild teaches a very similar system for advertising services in an ad-hoc network (col 8 lines 48+), wherein applications are matched (col 10 line 62) with each other, wherein one of these applications is the exchange of electronic business cards during a handshake (col 15 line 54). The examiner notes that for what is presumably a watch, (though other devices would apply; note also col 6 line 60 of Hermann et al) for the exchange of electronic business cards in this manner; the watch would, after sensing the presence of the other device, automatically choose the "business card" application option in order to carry out this process. I.e, it is obvious people would not stop and program their watches before shaking hands. Note also the examination of a "service parameter in col 15 lines 55+.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have made the device in Hermann choose an application from its list and examined its associated control parameter, in light of the teachings of Hild, in order to seamlessly carry out communication applications which do not require user control.

With regard to claims 2 – 3, note allowing communication and downloading the application are both taught.

With regard to claim 6, note that an entry is retrieved as discussed above.

With regard to claims 8 – 10 and 13, these claim limitations are discussed above.

With regard to claims 15, 18, see the rejections above and note that it would be obvious to store the process in a computer readable medium in order to insure its repeatability.

With regard to claims 53 – 62, each of the process and apparatus limitations are discussed above.

4. Claims 5, 12, 17, 23, 28, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6633757 to Hermann et al in view of U.S. patent 6532368 to Hild as applied above to claims 1 – 3, 6, 8 – 10, 13, 15, 18, 24 – 30, and 53 – 62, and further in view of U.S. patent 5,251,251 to Barber et al.

Hermann et al/Hild teach the invention as described above, but do not teach Erasing the application when finished.

Barber et al teach erasing data once it is no longer needed, in order to provide space for a new program. See column 2 lines 27+.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have erased the application program in Hermann/Hild in light of the teachings of Barber et al in order to provide space for a new application to be sensed and stored.

5. Claims 4, 11, 16, 19 – 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6633757 to Hermann et al in view of U.S. patent 6532368 to Hild as applied above to claims 1 – 3, 6, 8 – 10, 13, 15, 18, 24 – 30, and 53 – 62, and further in view of U.S. patent 6,631,269 to Cave.

Hermann et al/Hild teach the invention as described above, but do not teach the use of a connection request/acceptance message. This is taught in Cave. See col 2 lines 60+, and further note that the request is accepted only if the quality of the message is high, and that this is done in deciding whether to provide access to resources, both aspects of which would be useful in the services context of the ad-hoc network environment taught in Hermann et al/Hild.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provide Hermann et al/Hild with a connection request/accept mechanism, in light of the teachings of Cave, in order to provide an efficient connection between the service users in Hermann et al/Hild.

6. Claims 7, 14, 32 – 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6633757 to Hermann et al in view of U.S. patent 6532368 to Hild as applied above to claims 1 – 3, 6, 8 – 10, 13, 15, 18, 24 – 30, and 53 – 62, and further in view of U.S. patent 7003446 to Trower II, et al.

Hermann et al/Hild teach the invention as described above, but do not teach choosing the application based on priority assigned to the entry. Choosing an application based on priority in a similar a manner is taught in Puthuff. See col 5 lines 50+.

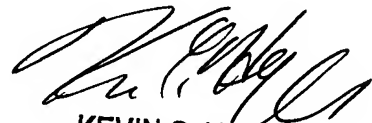
It would have been obvious to one of ordinary skill in the art at the time of the invention to have prioritized the applications in Hermann et al/Hild, in light of the teachings of Puthuff, in order to provide the user with favorite application automatically.

7. Applicants arguments are moot in view of the new grounds of rejection.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Blount whose telephone number is 703-305-0319. The examiner can normally be reached on M-F 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Doris To, can be reached at 571-272-7269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



KEVIN C. HARPER  
PATENT EXAMINER

SB

4/6/06